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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,718	09/26/2001	Rabindranath Dutta	AUS920010645US1	9293
35525	7590	06/06/2006	EXAMINER	
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			TARAE, CATHERINE MICHELLE	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/963,718

Applicant(s)

DUTTA ET AL.

Examiner

C. Michelle Tarae

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,5-21,23 and 25-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-21,23 and 25-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The following is a Final Office Action in response to the communication received on March 14, 2006. Claims 1, 3, 5, 8-10, 13-15, 19, 21, 23, 25, 28-20, 33-35, 39, 41-42 and 44-47 have been amended. Claims 2, 4, 22 and 24 have been cancelled. Claims 1, 3, 5-21, 23 and 25-51 are now pending in this application.

### ***Response to Amendment***

2. Applicant's amendments to claims 1, 3, 5, 8-10, 13-15, 19, 21, 23, 25, 28-20, 33-35, 39, 41-42 and 44-47 and cancellation of claims 2, 4, 22 and 24 are acknowledged.

### ***Response to Arguments***

3. Applicant's arguments have been fully considered, but are not found persuasive. In the Remarks, Applicant mainly argues that Chisholm does not teach or suggest the newly amended limitation: receiving a request for voter voting information prior to receiving a vote from a user, wherein receiving the request includes receiving a selection of one or more demographic voter categories for which voter voting information is to be provided prior to receiving a vote from the user.

In response to the argument, Examiner respectfully disagrees. While Examiner agrees that Chisholm does not expressly disclose voter *demographic* categories as evidenced by the 35 U.S.C. 103 rejection set forth in the previous Office Action, she respectfully submits that Chisholm does disclose receiving a request for voter voting information prior to receiving a vote from a user, wherein receiving the request includes

receiving a selection of one or more voter categories for which voter voting information is to be provided prior to receiving a vote from the user.

On the bottom of page 10 of the Remarks, Applicant defends the argument by saying that claim 1 recites that *the user* requests the voting information by *selecting one or more voter demographic categories*. However, it is noted that the features upon which applicant relies (i.e., the *user requesting* voter voting information and the *user selecting* voter demographic categories) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Nowhere in claim 1 is it explicitly recited that a user makes a request for voter voting information. Rather, claim 1 just recites receiving a request. Therefore, it is not explicitly recited who is making a request. Likewise, nowhere in claim 1 is it explicitly recited that a user is actively selecting one or more demographic voter categories. Rather, claim 1 just recites receiving a selection of one or more of the demographic voter categories. Therefore, it is not clear who is selecting voter categories. Accordingly, based on the ambiguity of the claims, Examiner submits that Chisholm teaches receiving a request for voter voting information where a vote administrator sets up how the voting results are to be displayed to voters (col. 9, line 28; col. 11, lines 62-64; col. 16, lines 12-14; Thus, the system receives a request for voter voting information from the vote administrator.); and Chisholm teaches receiving a selection of a voter category where the vote administrator sets up who the voters are for a particular voting session and then label the voters (col. 15, line 6; col. 16, lines 41-61;

Thus, the system receives a selection of voters from the vote administrator by receiving the membership information from the vote administrator and the assignment of labels from the vote administrator. A label of a person is a categorization of that person.).

Also on page 10 of the Remarks, Applicant further defends the main argument above by stating that claim 1 recites that the user requests voter voting information prior to the user having to submit a vote at all. As discussed above, the claim does not explicitly state who is making the request. Additionally, the claim does not explicitly recite that the request occurs *before any vote*. Thus, it is noted that the features upon which applicant relies (i.e., the user requests voter voting information *before having to submit a vote at all*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). On the contrary, based on the preamble reciting the word, comprising, the method of claim 1 is not precluded from having additional steps unless expressly recited. In other words, as claim 1 is currently recited, it does not preclude a user from first submitting a vote before receiving voting information on how other users voted. Therefore, that Chisholm has voters submit an initial vote before viewing how others voted is irrelevant since Chisholm also discloses an iterative voting process in which voters continue to cast their votes after viewing how others voted until either a deadline or an agreement has been reached (col. 3, lines 34-36; col. 6, lines 38-50).

In conclusion, Examiner respectfully submits that Chisholm does disclose receiving a request for voter voting information prior to receiving a vote from a user,

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wherein receiving the request includes receiving a selection of one or more voter categories for which voter voting information is to be provided prior to receiving a vote from the user.

Applicant's arguments with respect to the remainder of the claims are based on Applicant's main argument with respect to claim 1, which has been addressed in detail above.

Finally, Applicant argues that it would not have been obvious to modify Chisholm to include demographic voter categories. In response to this argument, Examiner respectfully disagrees. Chisholm discloses the ability to label voters, thereby categorizing voters (col. 16, lines 41-60). Chisholm also discloses the ability and desire for voters to place conditional votes that depend on how a group of voters vote, where the condition may include voting the way the majority of a party, or group, of voters votes (col. 3, lines 3-7; col. 7, lines 17-21). Additionally, it is old and well known that demographic data is often used to categorize people. It is also old and well known to collect demographic data on voters as such data helps to develop and analyze statistics on the voters, such as evaluating the vote preference for a particular demographic group of voters. Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the voter categories of Chisholm to include demographic categories as doing so provides the ability to analyze the votes with more granularity and allows voters to base their conditional votes using additional voter statistics, where allowing voters to cast conditional votes based on how groups, or

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categories, of voters voted is a primary function of the system of Chisholm (col. 3, lines 3-7).

Therefore, Applicant's arguments have been fully considered, but are found unpersuasive. The rejections of claims 1, 3, 5-21, 23 and 25-51 and their amendments are provided below.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, 5-21, 23 and 25-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chisholm (U.S. 5,400,248).

As per claim 1, Chisholm discloses a method of collaborative voting, comprising: receiving a request for voter voting information prior to receiving a vote from a user, wherein receiving the request includes receiving a selection of one or more voter categories for which voter voting information is to be provided prior to receiving a vote from the user (col. 11, lines 62-64; col. 15, line 6; col. 16, lines 12-14 and 41-61; The system receives a request for displaying voter voting information from the vote administrator, where the request includes the vote administrator selecting how the vote results are to be displayed. The vote administrator also identifies the group of voters (i.e., a selection of a voter category) who are to participate in the vote session as well as

labeling the voters so that the votes may be categorized with labels when they are displayed. col. 3, lines 34-36; col. 6, lines 38-50; Voters may view the vote results of other voters prior to casting subsequent votes, where the vote results are categorized.);

providing the requested voter voting information in an anonymous manner such that the identities individual voters are not disclosed (col. 16, lines 43-45; Voters may remain anonymous. Voters' votes may be displayed with labels, thus categorizing the votes, while maintaining the voters' anonymity.); and

receiving a vote from the user based on the voter voting information provided (col. 15, lines 21-42; Voters place conditional votes, which means their votes are based on the voter voting information of other voters.).

Chisholm does not expressly disclose that the voter categories are demographic categories. However, as indicated above, Chisholm does disclose the ability to label voters, thereby categorizing voters (col. 16, lines 41-60). Chisholm also discloses the ability and desire for voters to place conditional votes that depend on how a group of voters vote (col. 7, lines 17-21). It is old and well known that demographic data is often used to categorize people. It is also old and well known to collect demographic data on voters as such data helps to develop and analyze statistics on the voters, such as evaluating the vote preference for a particular demographic group of voters. Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the voter categories of Chisholm to include demographic categories as doing so provides the ability to analyze the votes with more granularity and allows voters to base their conditional votes using additional voter statistics, where allowing voters to



cast conditional votes based on how groups, or categories, of voters voted is a primary function of the system of Chisholm (col. 3, lines 3-7).

As per claim 3, Chisholm does not expressly disclose the method of claim 1, wherein one or more voter categories are based on one or more of age, race, gender, income level, occupation, political party affiliation, which are all demographic information, the analysis of which is provided above in claim 1.

As per claim 5, Chisholm discloses the method of claim 1, wherein the one or more voter categories are based on voter affiliation with other voters (col. 16, lines 41-42; Voters placed in the same categories have some type of affiliation with each other.). Chisholm does not expressly disclose demographic categories of voters, the analysis of which is provided above in claim 1.

As per claim 6, Chisholm discloses the method of claim 5, wherein the voter voters are identified by a group identifier (col. 16, lines 41-42 and 57-60; Voters are identified as being with a voter category. Voters are also given labels as a means of identification.).

As per claim 7, Chisholm discloses the method claim 1, wherein providing the requested voter voting information includes outputting voter voting information in a graphical form on a display device (col. 3, lines 9-13; col. 4, lines 58-59; col. 6, lines 38-43).

As per claim 8, Chisholm discloses the method claim 1, wherein providing the requested voter voting information includes providing voter voting information for each of the one more voter categories selected (col. 6, line 51-col. 7, line 21; col. 16, lines 41-

42; Voters may view voting information of other voters by voter categories. Voter voting information may be based on any combination of individual voters or voter groups.).

Chisholm does not expressly disclose demographic categories of voters, the analysis of which is provided above in claim 1.

As per claim 9, Chisholm discloses the method of claim 1, wherein providing the requested voter voting information includes providing voter voting information for a combination of the one or more voter categories selected (col. 6, line 51-col. 7, line 21; col. 16, lines 41-42; Voters may view voting information of other voters by voter categories. Voter voting information may be based on any combination of individual voters or voter groups.). Chisholm does not expressly disclose demographic categories of voters, the analysis of which is provided above in claim 1.

As per claim 10, Chisholm discloses the method of claim 8, wherein providing the requested voter information further includes providing voter voting information for a combination of the one more voter categories selected (col. 6, line 51-col. 7, line 21; col. 16, lines 41-42; Voters may view voting information of other voters by voter categories. Voter voting information may be based on any combination of individual voters or voter groups.). Chisholm does not expressly disclose demographic categories of voters, the analysis of which is provided above in claim 1.

As per claim 11, Chisholm discloses the method of claim 1, wherein providing the requested voter voting information includes providing a dynamically updated display of the requested voter voting information (col. 6, lines 46-48; col. 9, lines 33-50; Voter

voting information is dynamically updated and graphically displayed to voters throughout the voting process.).

As per claim 12, Chisholm discloses the method of claim 1, wherein providing the requested voter voting information includes providing voter comments entered by voters included in the voter voting information (col. 5, lines 39-41; col. 6, lines 46-48).

As per claim 13, Chisholm discloses the method of claim 1, wherein the request for voter voting information includes a request for voter voting information for voters having similar characteristics as a user that submitted the request (col. 2, lines 21-37; col. 8, lines 59-67; col. 9, lines 16-20; Voters may submit conditional votes that include analysis of voter voting information that is similar to the requesting voter's voting information.). Chisholm does not expressly disclose demographic characteristics of voters, the analysis of which is provided above in claim 1.

As per claim 14, Chisholm discloses the method of claim 13, wherein providing the requested voter voting information includes:

retrieving characteristics for the user; and searching a voter database for voter entries corresponding to one or more of the characteristics for the user (col. 2, lines 21-37; col. 8, lines 59-67; col. 9, lines 16-20; Voters may submit conditional votes that include group dependencies, which require a search and analysis for voter voting information that is similar to the requesting voter's voting information.). Chisholm does not expressly disclose demographic characteristics of voters, the analysis of which is provided above in claim 1.

As per claim 15, Chisholm discloses the method of claim 13, wherein providing the requested voter voting information includes providing a ranking of an amount of similarity between other voters' characteristics and the user's characteristics (col. 5, lines 16-17; col. 7, lines 3-16; Voters may submit conditional votes that include analysis of voter voting information that is similar to the requesting voter's voting information. Voters may include a ranking of their conditional votes.). Chisholm does not expressly disclose demographic characteristics of voters, the analysis of which is provided above in claim 1.

As per claim 16, Chisholm discloses the method of claim 1, wherein receiving a vote based on the voter voting information includes receiving an indication of whether the vote is permanent or non-final (col. 15, lines 21-42; Voting iterations allow for non-final votes to be indicated. Final votes are the last vote cast.).

As per claim 17, Chisholm discloses the method of claim 16, wherein if the vote is non-final, the vote may be changed within a predetermined period of time from when the vote was received (col. 15, lines 21-42; The system employs an iterative voting process in which voters may cast non-final votes until a deadline is reached. The last vote cast before the deadline is considered the permanent vote.).

As per claim 18, Chisholm discloses the method of claim 1, wherein the voter voting information includes information regarding non-final votes and permanent votes cast by voters, and wherein providing the voter voting information includes providing non-final votes in a format different from permanent votes (col. 15, lines 21-42; Conditional votes are displayed in a different format from unconditional votes.).

As per claim 19, Chisholm discloses the method of claim 1, further comprising:  
storing an indication vote in association with voter characteristic information of the voter that submitted the vote (col. 16, lines 57-60; Voters are labeled so that their voting behavior is tracked.). Chisholm does not expressly disclose demographic characteristics of voters, the analysis of which is provided above in claim 1.

As per claim 20, Chisholm discloses the method of claim 19, wherein storing an indication of the vote further includes storing an indication of the status of the vote as being either non-final or permanent (col. 15, lines 21-42; The system employs an iterative voting process in which voters may cast non-final votes until a deadline is reached. The last vote cast before the deadline is considered the permanent vote.).

Claims 21-23 and 25-51 recite substantially similar subject matter as claims 1-3 and 5-20 above. Therefore, claims 21-23 and 25-51 are rejected on the same basis as claims 1-3 and 5-20 above.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Wallman (U.S. 2005/0288996) discusses a method and apparatus for corporate voting;
- Sehr (U.S. 5,875,432) discusses a voting information system that utilizes demographic data;
- Graft, III (U.S. 5,278,753) discusses an electronic voting system;
- Lloyd (U.S. 6,801,900) discusses a method for online dispute resolutions that incorporates voting;
- Huang et al. (U.S. 2002/0103696) discusses an interactive voting system;
- Bayer et al. (U.S. 6,311,190) discusses a voter registration system;
- Chung (U.S. 2003/0034393) discusses an electronic voting system;
- O'Shaughnessy (U.S. 6,484,151) discusses a proxy voting system for stockholders;

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- Smith, Jerry. "JS puts live vote totals online – Up-to-the-minute results for national and local races at pjstar.com," *Journal Star*, Nov 7, 2000 [retrieved from Proquest] discusses displaying vote results, where the vote results are categorized using demographic data; and
- "Iowa Democrats and Voter.com Launch Internet Initiative for Caucus," *PR Newswire*, Jan 13, 2000 [retrieved from Proquest] discusses the website, voter.com, which displays voter results based on demographic data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Tarae (formerly, C. Michelle Colon) whose telephone number is 571-272-6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic  
Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "C. Michelle Tarae". The signature is fluid and cursive, with the first name "C." being small and the last name "Tarae" being larger and more prominent.

C. Michelle Tarae  
Patent Examiner  
Art Unit 3623

May 20, 2006